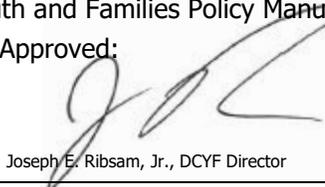


2058 SEARCHES	
Chapter: Sununu Youth Services Center	Section: Safety and Security
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 19-01 Effective Date: February 2019 Scheduled Review Date:</p>	<p>Approved:</p>  Joseph E. Ribsam, Jr., DCYF Director
Related Statute(s): RSA 621 , and RSA 621-A Related Admin Rule(s): Related Federal Regulation(s): 28 C.F.R. Part 115 PREA Standards 115.315 (a), 315 (b), 315 (c), 315 (e), 315 (f)	Related Form(s): FORM 2058, FORM 2086, FORM 2094, and FORM 2372 Bridges' Screen(s) and Attachment(s):

The safety and security of youth, staff, and visitors is the highest priority at the Sununu Youth Services Center (SYSC). While balancing the need to ensure safety, security, and control with all rights provided by the Constitutions of the United States and New Hampshire, the SYSC conducts searches of the facility, youth, and visitors according to the provisions of this policy. The SYSC is also committed to ensuring compliance with all applicable standards of the Prison Rape Elimination Act of 2003.

Purpose

This policy establishes general search procedures at the Sununu Youth Services Center (SYSC) and specific procedures for youth and the facility.

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Definitions

- "Contraband"** means property determined by SYSC staff to be in violation of SYSC rules.
- "Cross-Gender"** refers to an interaction that is completed between two individuals of opposite genders.
- "DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.
- "Exigent Circumstances"** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- "Intersex"** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

"PREA" or "Prison Rape Elimination Act" means the standards enacted on August 20th, 2012 and enforced by the U.S. Department of Justice to eliminate prison rape pursuant to the Prison Rape Elimination Act of 2003.

"Search" means a thorough and careful review of an individual at, or area of, the SYSC, for contraband to ensure the safety of the staff, residents, and visitors of the SYSC. This may include but is not limited to:

- (1) **"Pat-Frisk Search"** means a form of searching an individual, completed by two staff members of the same gender as the individual making limited physical contact while an individual is fully dressed.
- (2) **"Unclothed Search"** means a form of searching a youth with supervisory approval, completed by two staff of the same gender as the youth, making no physical contact while a youth is fully undressed.
- (3) **"Visual Search"** means the least intrusive form of searching an individual, completed by two staff members of the SYSC without making any physical contact while an individual is fully dressed.

"Sexual Abuse" for the purposes of this policy includes:

- (1) *Sexual abuse of a committed or detained youth by committed or detained youth* means any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuses:
 - a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Any degree of penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (2) *Sexual abuse of a committed or detained youth by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the committed or detained youth:
 - a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- d. Any degree of penetration of the anal or genital opening, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in sections (a) through (e) of this definition;
- g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a committed or detained youth; and
- h. Voyeurism, meaning an invasion of privacy of a committed or detained youth by staff, contractor, or volunteer for reasons unrelated to official duties, such as: peering at a youth who is using a toilet to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

"Sexual Harassment" means any unwelcome sexual advance, a request for a sexual favor, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
4. In accordance with the Prison Rape Elimination Act (PREA), "sexual harassment" also means any repeated verbal comments or gestures of a sexual nature to a client or colleague by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

"Sexual Misconduct" means an allegation of inappropriate sexual behavior, not meeting the definitions of sexual abuse or sexual harassment as defined in this policy, which may or may not be designated as a PREA Incident by the SYSC PREA Compliance Manager and the Administrator of Clinical Services or designee.

"SYSC" or the **"John H. Sununu Youth Services Center,"** means the architecturally secure juvenile treatment facility administered by the Division for Children, Youth and Families for committed juveniles and for NH youth involved with the NH court system prior to their adjudication.

"Transgender" means a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.

“UM” or “Unit Manager” means a staff person with supervisory duties for a residential unit within the SYSC.

“YouthCenter” means the web-based automated information system used by DCYF staff to document and track information regarding youth committed or detained at the SYSC.

Policy

- I. The SYSC establishes the following goals pertaining to searches at the SYSC:
 - A. To prevent the introduction of weapons or other contraband into the SYSC;
 - B. To detect the manufacturing of weapons, substances, and escape devices within the SYSC;
 - C. To discover and suppress contraband and the trafficking of contraband;
 - D. To check malicious waste or destruction of facility property;
 - E. To discover hazards to health or safety that may go unnoticed during routine inspections;
 - F. Ensure all searches are conducted professionally according to all applicable laws and this policy; and
 - G. Ensure all contraband discovered is collected according to standardized collection procedures and reviewed by the SYSC Internal Investigator for determination of disposition including preservation as possible evidence in further delinquency or criminal actions.
- II. The SYSC Administrator or designee shall establish and maintain a facility search plan that includes:
 - A. The frequency of area searches, including but not limited to: units, common areas, visiting areas, food stocks, and the building perimeter; and
 - B. Procedures for the control of contraband in the facility that includes at a minimum: informing all staff, visitors, and youth of items that are considered contraband and the consequences of possession of these items.
- III. Staff must successfully complete and demonstrate required knowledge of conducting searches (of youth and/or the facility) before staff are authorized to conduct such a search.
 - A. The SYSC shall train staff in how to conduct cross-gender, transgender, and intersex youth Pat-Frisk searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs (115.315 (f)).
 - B. All search procedures shall be conducted according to training, instruction, and procedures.
- IV. Mechanical Detection Devices:
 - A. Mechanical detection devices (e.g., walk-through metal detectors, hand-held scanners) shall be used for security purposes at SYSC to search both youth and visitors.

- B. There shall be a walk-through metal detector located in the Admissions Unit and in the lobby.
- C. Per policy 2070 SYSC Visitors and the Visitation Routine, all visitors entering the SYSC secure building shall pass through the metal detector.
- D. Hand-held metal detectors shall be located in the following areas:
 - 1. Admissions;
 - 2. Central Control;
 - 3. All Residential Units;
 - 4. The SYSC Kitchen;
 - 5. Culinary Arts;
 - 6. SYSC school Auto Shop;
 - 7. SYSC school Woodshop;
 - 8. SYSC Art classrooms;
 - 9. Maple Sugaring Shack;
 - 10. The SYSC School; and
 - 11. Any other area designated by the SYSC Administrator or designee.
- V. If a safety or security concern becomes apparent after searching youth, visitors, or the building, the SYSC Administrator or designee must be contacted to address the concern.
- VI. Disposition of Contraband:
 - A. Staff shall document all contraband in a Possessed Property Report, Form 2058 with any and all pertinent information.
 - B. The chain of custody shall be maintained with all contraband - two staff members must witness the transfer of contraband.
 - C. If the contraband is evidence of a crime as determined by the SYSC Internal Investigator, the SYSC Internal Investigator must:
 - 1. Notify the New Hampshire State Police and request an officer respond to take possession of the evidence and to take a police report;
 - (a) Document the transfer of evidence to the police in the Possessed Property Report and include the State Police case number; or

- (b) Consult with the SYSC Administrator or designee for disposition of the contraband, if the police officer does not take possession of the evidence; and
- 2. Notify the Supervisor On-Duty or designee.
- D. If the contraband is a violation of policy and/or rules and not evidence of a crime as determined by the SYSC Internal Investigator, then a digital photograph of the contraband should be taken.
 - 1. The Supervisor On-Duty shall be called to assist and download the photo to the Admission's computer.
- E. If the contraband is State property, then the Supervisor On-Duty shall notify Maintenance.
 - 1. Maintenance will determine if the property can be restored to intended use, repaired if damaged, or needs replacement.
- F. Contraband will be disposed of consistent with applicable law.

Searching Youth

- I. The following general provisions apply to all youth searches:
 - A. All searches must be conducted consistent with this policy and PREA Standards 313, 315, and 321;
 - B. Youth should be informed quietly and simply that a search is about to take place;
 - C. Youth will be searched separately and privately with as much dignity as possible according to approved procedures;
 - 1. Visual and Pat-Frisk Searches may be conducted in non-private areas, however any searches more intrusive shall be conducted in an area that ensures the youth's privacy from other youth and staff not involved in the search;
 - D. One staff will act as "lead" and another staff shall assist as needed;
 - E. Two staff of the same gender as the youth being searched shall conduct or be present during the search or the youth's assigned treatment team shall establish search procedures for intersex or transgendered youth. For intersex or transgendered youth requiring a search before their treatment team is assigned, staff must consult with the youth, and the Supervisor On-Duty for the conduct of the search;
 - F. All contraband confiscated during any search will be placed in an evidence bag and secured in the SYSC safe cabinet;
 - 1. The lead staff must ensure a Possessed Property Report (Form 2058) is filed when contraband is found;
 - G. Youth should not be physically touched any more than necessary to conduct a Pat-Frisk search;

- H. Staff shall document and justify all cross-gender Pat-Frisk Searches (115.315 (c));
 - 1. Although PREA Standards authorize cross-gendered searches, best practices at the SYSC prohibit cross-gendered searches of any kind;
 - 2. Exceptions require direct and explicit authorization from the SYSC Administrator and documentation of the justification and exigent circumstances on a YouthCenter, Non-Disciplinary: Cross Gender Search Form 2094;
- I. Youth shall not be searched or physically examined for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversations with the youth, by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner (115.315 (e)); and
- J. Staff must consult Policy 2055 PREA –Immediate Response to Sexual Assault, First Responder Duties when conducting any search related to an allegation of sexual abuse, sexual harassment, or sexual misconduct.

NO staff are authorized to conduct cross-gender unclothed searches.

SYSC staff are not authorized to remove contraband from a youth's body cavity. If a youth is found with contraband inserted into a body cavity, medical staff shall determine if the youth can safely remove. If medical staff determines removal may cause injury, the medical staff in consultation with the Supervisor On-Duty must immediately arrange for the youth's transfer by ambulance to the hospital emergency room for contraband removal.

- II. Visual Searches must be conducted prior to all other types of youth searches.
 - A. Visual Searches will be conducted with the youth's clothes on, by two staff in the following manner:
 - 1. Inform the youth of the search;
 - 2. One staff shall take the lead and instruct the youth to place their feet a shoulder's width apart;
 - 3. The lead staff shall instruct the youth to raise their hands above their head;
 - 4. Both staff will observe the youth's hands to ensure no contraband is being held;
 - 5. The lead staff shall instruct the youth to turn 360 degrees while both staff looks for anything unusual or suspicious and anything tucked into the waistband of the pants;
 - 6. Both staff will observe the youth's hair, ears, face, between the fingers, and any other areas not covered by clothing; and

7. The lead staff shall instruct the youth to tilt their head back and observe the nasal cavities and the lead staff shall instruct the youth to open their mouth and visually observe the mouth including under the tongue.
- B. If an object is detected in a head cavity, medical staff shall be notified to determine if the youth can safely remove the object.
 - C. The Supervisor On-Duty must be notified immediately to assess and provide guidance if youth become uncooperative with a search.

III. Pat-Frisk Search

- A. A Pat-Frisk Search is authorized in the following circumstances:
 1. When youth move between areas of the facility, including when youth are leaving from and/or arriving at school, work, recreation, doctor's appointment, or their residential unit;
 2. Before and after youth visits with family; and
 3. When there is a reasonable and justifiable belief that youth have hidden contraband on their person.
- B. A Pat-Frisk Search shall be conducted only after a Visual Search has been completed.
- C. Staff shall not conduct cross-gender Pat-Frisk Searches (115.315 (b)) except in exigent circumstances.
- D. Pat-Frisk Searches shall be conducted with the youth's clothes on and in the following manner:
 1. The lead staff will instruct the youth to empty pockets of all items and the other staff shall inspect all items for contraband;
 2. The lead staff will instruct the youth to turn around;
 3. The lead staff will check the youth's shirt, collar, sleeves, shoulder, and underarms by asking the youth to raise their arms and pat search that area;
 4. Female staff will check female youth's bras in a private area away from male youth and staff;
 5. The lead staff will instruct the youth to tuck the youth's thumb into the youth's waistband. Starting at the zipper, the youth will slide their thumb all the way around the waistband and shake the waistband; and
 6. The lead staff will visually check the outside of the youth's legs to the feet and inside the legs from the groin to the feet.
- E. If an object is detected in a head cavity, medical staff shall be notified to determine if the youth can safely remove the object.

- F. If contraband is discovered on a Pat-Frisk Search, staff will escort the youth to a location that ensures the youth's privacy, away from other youth and staff not involved in the search, and arrange for an Unclothed Search according to the provisions of section IV.

IV. Unclothed Search

- A. An Unclothed Search is authorized in the following circumstances:
 - 1. Before and after a youth has a visit with family, legal counsel, or any other person and there is justifiable suspicion (documented on YouthCenter Form 2372) to believe the youth may have contraband; or
 - 2. There is reasonable belief that the youth has hidden contraband on their person.
- B. Procedures for an Unclothed Search of Youth:
 - 1. The Supervisor On-Duty shall authorize all Unclothed Searches;
 - 2. Staff will inform the youth of the Unclothed Search;
 - 3. An Unclothed Search shall be conducted with two staff members of the same gender as the youth searched;
 - (a) Cross-gendered Unclothed Searches by SYSC staff (including a search of anal or genital openings) are prohibited (115.315 (a));
 - 4. Unclothed Searches will be conducted visually only - no staff may touch youth during an Unclothed Search;
 - 5. All Unclothed Searches must be conducted in an area that ensures privacy (e.g., bathroom, shower);
 - 6. If a youth has any bandages on, the lead staff shall contact the SYSC Medical Department and request removal by a nurse before the initiation of the Unclothed Search;
 - 7. The lead staff will instruct the youth to remove any hats, headbands, and jackets for these items to be inspected for contraband;
 - 8. The lead staff will first perform a Visual and Pat-Frisk Search of the youth;
 - 9. After the Pat-Frisk Search, the lead staff will instruct the youth to remove and step away from their clothing;
 - 10. The lead staff will direct the youth to run their hands through their hair;
 - 11. The assisting staff will observe the backside of the youth while the lead staff instructs the youth to turn around one (1) time; and
 - 12. The assisting staff will inspect the youth's clothes and provide clothing as appropriate.

- (a) If the youth is staying at the SYSC, return their state-issued clothing;
 - (b) If the youth is leaving the SYSC, provide the youth with their personal clothing; or
 - (c) If the youth has returned or been admitted to SYSC, store their personal clothing as soon as possible and provide state-issued clothing to use right away.
- C. All Unclothed Searches must be documented in the YouthCenter Unit Shift Summary, Form 2372, to include:
 - 1. The date and time of the search (start and end);
 - 2. Location where the search was completed;
 - 3. The name of youth searched;
 - 4. The reason for the search;
 - 5. The names of the staff conducting the search;
 - 6. What contraband was found (if any) and documented on a Form 2058; and
 - 7. The chain of custody for any contraband found.
- V. Visual Inspection and/or Examination of a Youth's Genital or Anal Cavity –
 - A. If there is a concern regarding contraband in a body cavity, the SYSC Medical Department will be notified.
 - B. The SYSC Medical Department Administrator or designee will approve the transfer of the youth to a hospital when there is any concern, such that:
 - 1. A visual inspection of a youth's genital or anal cavity may be necessary and the youth must be referred for an x-ray.
 - 2. Examination of a youth's genital or anal cavity shall take place. Manual or instrument inspection of a youth's genital or anal cavity may only be conducted by a licensed medical doctor when there is probable cause that contraband will be found and/or something was detected during a preceding visual inspection of genital or anal cavity.

Searches within the Facility

- I. Searching the Residential Units-
 - A. Searches of all common areas in the residential units shall be conducted at least once a day, or more frequently as needed.
 - B. Searching Youth's Rooms
 - 1. General Provisions for Searching Youths' Rooms:

- (a) Youth rooms shall be searched at least three (3) times a week;
 - (b) Room searches shall be unannounced and conducted on an irregular schedule as approved by the Unit Manager (UM);
 - (c) Whenever possible, room searches shall be performed by at least two (2) staff members;
 - (d) Room searches will be conducted when youth are out of the area (e.g., in school or out of the unit);
 - (e) Youth room(s) must be searched whenever there is a change in room assignment; and
 - (f) Youth's personal property will be respected and not willfully discarded, broken, or misplaced.
2. Procedures for Searching Youth's Rooms:
- (a) Carefully probe holes and tears in mattresses, rugs, tiles, and walls using approved protection gloves or other authorized procedures;
 - (b) Search all fixtures, desks, chairs, windows, and any personal items or books; and
 - (c) Search all personal clothing and bedding.
- C. If contraband is found or a security breach is discovered during a search of the residential unit (in a youth room or common area), staff must:
- 1. Notify the UM or staff in charge at the time of the search. The UM will notify the Supervisor On-Duty;
 - 2. Complete a Possessed Property Report for any contraband found and an Incident Report for any security breaches discovered; and
 - 3. Ensure proper documentation of chain of custody when transferring any contraband to Supervisor On-Duty.
- D. All searches on the residential units (youth rooms and common areas) must be documented in the YouthCenter Unit Shift Summary, Form 2372, to include:
- 1. The date and time of the search (start and end);
 - 2. The name of the UM or staff in charge at the time of the search;
 - 3. The Supervisor On-Duty;
 - 4. The names of staff conducting the search;
 - 5. The rooms searched; and

6. Any rules violations/contraband found and documented on a Form 2058, and the name of the alleged responsible youth; and
7. The chain of custody for any contraband found.

II. Searching School Areas

- A. School faculty is responsible for developing and implementing a practical system of inventory that affords daily accountability of tools and writing implements used in each class and/or lab.
 1. Shadow boards may be used for display of tools and writing implements and serve as one method of accountability.
- B. Vocational and Art teachers including but not limited to: woodshop, auto shop, culinary, and maple sugaring, shall use a hand-held metal detector to scan each student before leaving the class and/or lab area.
- C. School faculty is responsible for completing tasks listed on their end-of-day exit checklist for their area.
- D. If items are discovered missing, then school faculty must:
 1. Not allow youth to advance to their next class;
 2. Search the classroom to locate the missing item(s);
 - (a) If the missing item(s) is not found after an immediate search, the faculty must notify the School Principal;
 - (1) The School Principal will notify the Supervisor On-Duty who will coordinate and begin an immediate investigation, including:
 - (i) A follow-up search; and
 - (ii) The use of other staff to assist with the search and to supervise youth;
 - (2) If the missing item(s) are still not accounted for, the School Principal and Supervisor On-Duty shall inform the UM to determine further actions as appropriate;
 - (3) The missing item must be documented in a YouthCenter Major Incident Report, Form 2086;
 - (b) For missing items found, the faculty must complete a Possessed Property Report Form 2058;
 - (c) The faculty must determine if there was a rules violation and complete a Violation Report if determined appropriate; and

3. Depending on the assessed dangerousness of the missing item, the School Principal and Supervisor On-Duty will decide when youth may move.
- III. All recreational areas (inside and out) shall be searched before the recreation period begins and after it has ended by trained and authorized staff.
 - A. Staff shall document all searches in the YouthCenter Daily Log entry including the specific area search and name of the staff conducting the search.
- IV. Staff must conduct a thorough search of visiting areas for contraband immediately before and after visiting hours.
 - A. Staff shall document the search in the YouthCenter Daily Log entry; and
 - B. All youth will be Pat-Frisk Searched before and after each visit.
- V. Any items brought for youth must be on the SYSC approved item list, approved by the UM, and be inspected thoroughly by assigned unit staff before being issued to the youth.
- VI. All visitors (volunteers, contractors, vendors, and staff not regularly assigned to the SYSC) are subject to policy 2070 SYSC Visitors and the Visitation Routine.